

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 06-10672-GAO

DIANE E. FARLEY,
Petitioner

v.

LYNN BISSONNETTE,
Respondent.

OPINION AND ORDER

January 28, 2008

O'TOOLE, D.J.

The petitioner has moved for a certificate of appealability from the denial of her habeas corpus petition on two separate grounds. After consideration, the certificate of appealability is GRANTED as to the following questions:

Was the trial judge's instruction to the jury that the prosecution "does not have the burden of proving that no one else may have committed the murder" an error that was contrary to clearly established Supreme Court precedent as stated in In re Winship, 397 U.S. 358 (1970)?

Was the state court's decision that the trial judge's limitation of the petitioner's cross-examination of Ronald James, though error, was harmless beyond a reasonable doubt an unreasonable application of clearly established Supreme Court precedent, namely, Delaware v. Van Arsdall, 475 U.S. 673 (1986)?

It is SO ORDERED.

/s/ George A. O'Toole, Jr.
United States District Judge